UNITED STATES PATENT AND TRADEMARK OFFICE

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09/431,699	11/01/1999	CARL G. DEMARCKEN	09765/016001	9097

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ART UNIT	PAPER NUMBER
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/431,699	DEMARCKEN, CARL G.
	Examiner	**Art Unit**
	Milan S Kapadia	2144

μ(ι)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 December 2003_.
2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9,13-38 and 43-53_ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-9, 13-38, and 43-53_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 03 December 2003.

Claims 1-9, 13-38 and 46-53 are pending. Claims 1, 13, 21, 26, 28, 30, 32-33, 35, and

43-44 have been amended. Claims 46-53 are newly added.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out

and distinctly claiming the subject matter which the applicant regards as his

invention.

3.   The rejection of the claim 35 under 35 U.S.C. 112 as being indefinite is hereby

withdrawn due to the amendment filed 12/03/03.

4.   Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

(A)   Claim 46 recites the limitation "establishing a plurality of travel requirement

templates, for each travel requirement template... " in line 6. This limitation is circular.

For the purpose of prior art rejection, the examiner assumes claim 36 to recite

"establishing a plurality of travel requirement templates, for each travel requirement."

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent

by another filed in the United States before the invention thereof by the applicant

for patent, or on an international application by another who has fulfilled the

requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before

the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 25-29, 32, 33 38, 43-45 are rejected under 35

U.S.C. 102(e) as being anticipated by DeMarcken (6,295,521).

(A)   As per claim 1, DeMarcken discloses a method for rules validation for a travel

planning system comprising:

        reducing a larger set of travel options to a smaller set of diverse travel options in

accordance with diverse travel requirements that represent conditions for a travel option to be

considered for inclusion in the set of diverse travel options that includes at least first and second

travel options that satisfy first and second travel requirements, (DeMarcken; col. 49, lines 30-44,

fig. 18, fig. 24, col. 50, lines 22-39, and col. 60, lines 47-55); the examiner interprets the "pricing

graph" as "a larger set of travel options" and the "extracted pricing solutions" as a "smaller set of

diverse travel options.") with the first and second travel requirements representing different

values in a category of travel requirements, and the flight options including a flight and fare

combination (DeMarcken; col. 7,lines 17-28, col. 50, lines 41-49 and col. 60, lines 43-53).

(B)   Claims 2-9 have not been amended and are rejected for the same reasons

given in the previous Office Action (paper number 16), and incorporated herein.

(C)   Claim 21 is the corresponding system claim to method claim 1 and therefore is

rejected for the same reasons given above in the rejection of claim 1 and incorporated herein.

(D)   As per claim 25, DeMarcken discloses evaluating for the travel requirements a

set of travel preference functions used to order the larger set of travel options (DeMarcken; col.

49, line 30-col. 50, line 39; the examiner interprets the "user query" as a form of "travel

preference function.")

(E)   As per claim 26, DeMarcken teaches a method executed in a computer system to output a

set of travel options (DeMarcken; col. 4, lines 14-16), the method comprising:

reducing a larger set of travel options to a smaller set of diverse travel options in

accordance with diverse travel requirements that represent conditions for a travel option to be

considered for inclusion in the smaller set of diverse travel options that includes at least first and

second travel options that satisfy first and second travel requirements (DeMarcken; col. 49, lines

30-44, fig. 18, fig. 24, col. 50, lines 22-39, and col. 60, lines 47-55); the examiner interprets the

"pricing graph" as "a larger set of travel options" and the "extracted pricing solutions" as a

"smaller set of diverse travel options."), with the first and second travel requirements

representing different values ion a category of travel requirements (DeMarcken; col. 50, lines 41-

49 and col. 60, lines 43-53), and for each of the diverse travel requirements, at least one travel

option in the set of diverse travel options representing a best travel option from the larger set of

travel options for that specific requirement (DeMarcken; col. 49,lines 45-54 and col. 50, lines 22-

39).

(F)   As per claim 27, DeMarcken teaches wherein each of the travel options comprise

an itinerary and price (DeMarcken; col. 5, lines 1-6).

(G)   As per claim 28, DeMarcken discloses:

receiving a candidate set of travel options (DeMarcken; col. 49, lines 18-24);

for a plurality of travel requirements, with first and second travel requirements

representing different values in a category of travel requirements, selecting one or more travel

options for a specified travel requirement that satisfies the specified travel requirement

(DeMarcken; col. 6, lines 1-6, col. 49, lines 30-67, and col. 50, lines 41-49); and

combining the selected one or more travel options for each travel preference function to

provide a set of diverse travel options that includes at least first and second travel options that

satisfy the first and second travel requirements (DeMarcken; col. 49, lines 30-67, col. 50, lines

22-49, and fig. 24).

(H)   As per claim 29, DeMarcken teaches rendering the diverse set of travel options

on an output device (DeMarcken; col. 49, lines 30-67).

(I)   As per claim 32, DeMarcken teaches wherein the category for travel

requirements comprise, travel on a particular carrier, number of stops, outbound travel departing

in a predefined time period, return travel departing in a predefined time period, non-stop travel

on a particular airline, or travel with an outbound departure on a first predefined data and a return

arrival n a second predefined date (DeMarcken; fig. 24, col. 50, lines 34-39 and figures 26 and

27).

(J)   As per claim 33, DeMarcken teaches wherein values for the predefined time

period comprise morning, afternoon, evening or a predefined date (DeMarcken; col. 50, lines 23-

29; it is respectfully submitted, that a given itinerary involves predefined time periods that

comprise morning, afternoon, evening or a predefined date (DeMarcken; col. 4, lines 43-51).

(K)   Claim 43 differs from method claim 28 by reciting a "an article of manufacture

having computer-readable program portions embodies therein..." in the preamble. As per this

limitation, DeMarcken's system is implemented on a computer (DeMarcken; col. 4, lines 14-16).

As such, DeMarcken implicitly includes computer elements such as a programmed computer

readable medium. The remainder of claim 43 repeats the limitations of claim 28, and is therefore

rejected for the same reasons given above for claim 28.

(L)   As per claim 44, DeMarcken teaches an article of manufacture having computer-

readable portions embodied therein for generating a diverse set of travel options (DeMarcken;

col. 5, lines 21-29), the article comprising instructions for causing a processor to:

        generate a first ordered set of travel options using a first preference function

(DeMarcken; col. 50, lines 22-35);

        select travel options from the first set, the selected travel options corresponding to a

plurality of diverse travel requirements (DeMarcken; col. 50, lines 22-25);

        generate a second ordered set of travel options using a second preference function, the

second preference function being different from the first preference function (DeMarcken; col.

50, lines 25-33;

select travel options from the second set, the selected travel options corresponding to a

plurality of diverse travel requirements (DeMarcken; col. 50, lines 25-33);

combine the selected travel options to generate the diverse set of travel options

(DeMarcken; col. 49, lines 30-67, col.60, lines 47-55, and fig. 24)

(M)   As per claim 45, DeMarcken teaches:

wherein the computer-readable portion for selecting a predefined number of best travel

options from the first set further comprises selecting, for each travel requirement,

selecting one or more travel options from the first set that satisfy that respective travel

requirement (DeMarcken; col. 50, lines 22-25), and

wherein the computer-readable program portion for selecting a predefined number of best

travel options from the second set further comprises for each travel requirement, selecting one or

more travel options from the second set that satisfy that respective travel requirement

(DeMarcken; col. 50, lines 25-33).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed

or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was

made.

8.   Claims 13, 14,15, 16, 17, 18, 19, 20, 22, 23, 24, and 31 are rejected under 35

U.S.C. 103(a) as being unpatentable over DeMarcken et al (6,377,932) as applied to claims 21

and 28 above and further in view of Webber et al. (5, 331, 546).

(A)   As per claim 13, DeMarcken teaches sorting the list of travel options Ts by an

ordering function F to produce a best-first ordered list Ts2 (DeMarcken; col. 50, lines 41-49).

However, DeMarcken fails to expressly teach the remaining limitations but does teach

applying the requirements in a specific order (DeMarcken; col. 50, lines 22-23). However, these

features are old and well known in the art, as evidenced by Webber's teachings with regards to:

generating a prioritized ordered list of requirements Rs (Webber; fig. 4A; the examiner

interprets requirements like items 60, 62, and 66 in fig. 4A as a "prioritized list of

requirements.");

selecting a travel requirement R1 from the list of requirements Rs (Webber; col. 8, lines

32-41; the Examiner interprets step "62" as the "R1" requirement);

identifying a travel option T1 in the ordered list Ts2 that satisfies the travel requirement

R1 that represents a value in a category of travel requirements (Webber; col. 8, lines 32-41);

adding the travel option T1 to the diverse list of travel options Rts (Webber; col. 8, lines

32-41; the Examiner interprets the "temporary list" as a form of "diverse list of travel options");

selecting a second travel requirement R2 from the list of requirements Rs (Webber; col.

8, lines 42-59; the Examiner interprets step "66" as travel requirement "R2");

identifying a travel option T2 in the ordered list Ts2 that satisfies travel requirement R2

that represents a different value in the category of the first travel requirement R1 (Webber; col. 8,

lines 42-59); and

adding the travel option T2 to the diverse list of travel options Rts (Webber; col. 8, lines

42-59).

It is respectfully submitted, that it would have been obvious, to one having ordinary skill

in the art at the time the invention was made, to expand the system taught by DeMarcken with

Webber's teaching with regards to these limitations, with the motivation of taking into account

details of a preset corporate travel policy, as well as individual travel preferences, such as the

trade-offs between ticket prices and travel time (Webber; col. 2, lines 36-41).

(B)   As per claim 14, DeMarcken fails to expressly disclose initializing the list of result

travel options Rts to be empty; and if the remaining list of requirements Rs is empty, returning

an ordered list of diverse travel options Rts. However, this feature is old and well known in the

art, as evidenced by Webber's teachings with regards to initializing the list of result travel

options RTs to be empty; and if the remaining list of requirements Rs is empty, returning an

ordered list of diverse travel options Rts (Webber; col. 8, lines 35-50, fig. 6A, and fig. 6B; it is

respectfully submitted, that if the resulting travel options list is empty after testing a

requirement, then the list of result travel options has been initialized to be empty; the examiner

interprets "save as one of the six best preference itineraries," item 234 of fig. 6A, as occurring

after determining that the "remaining list of requirements is empty" and interprets "sort the

selected itineraries by departure time and display them and their best fares to the travel arranger"

as "returning an ordered list of diverse travel options."). It is respectfully submitted, that it

would have been obvious, to one having ordinary skill in the art at the time the invention was

made, to expand the system taught by DeMarcken with Webber's teachings with regards to

initializing the list of result travel options RTs to be empty; and if the remaining list of

requirements Rs is empty, returning an ordered list of diverse travel options Rts, with the

motivation of rapidly sifting through what may be thousands of currently available flights, fares

and rules for a given trip and to find the lowest fare for which the particular traveler and trip

qualify and for which seats are available (Webber; col. 4, lines 25-34).

(C)   As per claim 15, the collective system of DeMarcken and Webber teach

initializing the list of result travel options Rts to be empty as shown above in the rejection of

claim 14, and therefore incorporated herein. The combined system of DeMarcken and Webber,

collectively also teach if the remaining list of requirements Rs is not empty, selecting a first

travel requirement R from the ordered list of requirements (Rs) (Webber; fig. 6A; the examiner

interprets selecting requirements, like items 226 and 228 of fig. 6A, as "selecting a first travel

requirement from the ordered list of requirements if the remaining list of requirement is not

empty.")

However, the combined system of DeMarcken and Webber, collectively fail to teach

removing a requirement R from the requirement list (Rs). It is respectfully submitted, that it

would have been obvious, to one having ordinary skill in the art at the time the invention was

made, to expand the collective system taught by DeMarcken and Webber to remove the

requirement from the list, with the motivation ensuring a particular requirement is not applied

multiple times.

(D)   As per claims 16 and 17, DeMarcken fails to expressly disclose finding a first

option T in a best-first ordered list (Ts2) that satisfies travel requirement R and determining

whether any option in the Ts2 satisfies the travel requirement. However, this feature is old and

well known in the art, as evidenced by Webber's teachings with regards to finding a first option

T in a best-first ordered list (Ts2) that satisfies travel requirement R and determining whether

any option in the Ts2 satisfies the travel requirement (Webber; fig. 2; the examiner interprets

"select itineraries with available seats and lowest valid fares" as "finding a first option that

satisfies travel requirements" and interprets "select only confirming itineraries" as "determining

whether an options satisfies travel requirement.") It is respectfully submitted, that it would have

been obvious, to one having ordinary skill in the art at the time the invention was made, to

expand the system taught by DeMarcken with Webber's teachings with regards to finding a first

option T in a best-first ordered list (Ts2) that satisfies travel requirement R and determining

whether any option in the Ts2 satisfies the travel requirement, with the motivation of rapidly

sifting through what may be thousands of currently available flights, fares and rules for a given

trip and to find the lowest fare for which the particular traveler and trip qualify and for which

seats are available (Webber; col. 4, lines 25-34).

(E)   As per claim 18, DeMarcken fails to expressly disclose if no option in Ts2

satisfies R, the method further comprises: checking if the remaining list of requirements Rs is

empty. However, this feature is old and well known in the art, as evidenced by Webber's

teachings with regards to checking if the remaining list of requirements Rs is empty if no option

in Ts2 satisfies R (Webber; col. 8, lines 25-40). It is respectfully submitted, that it would have

been obvious, to one having ordinary skill in the art at the time the invention was made, to

expand the system taught by DeMarcken with Webber's teachings with regards to checking if

the remaining list of requirements Rs is empty if no option in Ts2 satisfies R, with the

motivation of rapidly sifting through what may be thousands of currently available flights, fares

and rules for a given trip and to find the lowest fare for which the particular traveler and trip

qualify and for which seats are available (Webber; col. 4, lines 25-34).

(F)   As per claim 19, the collective system of DeMarcken and Webber teach

determining if the size of the travel option list Rts is equal to or greater than N the process in

order to return the ordered list of diverse travel options (Webber; col. 15, lines 7-17).

However, the combined system of DeMarcken and Webber collectively fail to teach after

determining if a travel option T is not already in the result list Rts, adding the travel option T to

end of the result travel option list Rts. It is respectfully submitted, that it would have been

obvious, to one having ordinary skill in the art at the time the invention was made, to expand the

collective system taught by DeMarcken and Webber to determine if a travel option T is not already in the result list Rts and adding the travel option T to end of the result travel option list Rts, with the motivation ensuring a particular travel option does not show up multiple times in the travel option result list.

(G)   As per claim 20, the combined system of DeMarcken and Webber, collectively fail to teach determining for each travel requirement R2 in Rs, whether the requirement R2 includes a requirement R, and T satisfies R2, and if T satisfies R2; removing R2 from Rs. It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the collective system taught by DeMarcken and Webber to determine for each travel requirement R2 in Rs, whether the requirement R2 includes a requirement R, and T satisfies R2, and if T satisfies R2; removing R2 from Rs, with the motivation improving the speed of the system by by-passing the application of a requirement that is a subset of an already applied requirement.

(H)   Claims 22-24 are the corresponding system claims to method claims 13-15 and therefore are rejected for the same reasons given above in the rejections of claims 13-15 and incorporated herein.

(I)   As per claim 31, DeMarcken fails to expressly teach wherein at least one of the travel requirements within the plurality is not a user entered travel requirement. However, this feature is old and well known in the art, as evidenced by Webber's teachings with regards to

wherein at least one of the travel requirements within the plurality is not a user entered travel

requirement (Webber; fig. 4A; the examiner interprets items 60, 62, and 66 in fig. 4A as forms

of "travel requirements." It is respectfully submitted, that it would have been obvious, to one

having ordinary skill in the art at the time the invention was made, to expand the system taught

by DeMarcken with Webber's teachings with regards to this limitation, with the motivation of

taking into account details of a preset corporate travel policy, as well as individual travel

preferences, such as the trade-offs between ticket prices and travel time (Webber; col. 2, lines

36-41).

9.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al

(6,377,932) as applied to claim 28 above.

(A)   As per claim 30, DeMarcken fails to expressly teach eliminating from the plurality

of travel requirements a third travel requirement when the one or more travel options selected for

a fourth travel requirement satisfy the first travel requirement. However, it is respectfully

submitted that it is well-known in the art that applying a set travel requirement may result in the

same subset of travel options (i.e., the 10 cheapest flights may also be the 10 best flights for

convenience), As such, it is respectfully submitted, that it would have been obvious, to one

having ordinary skill in the art at the time the invention was made, to expand the system taught

by DeMarcken to eliminate from the plurality of travel requirements a third travel requirement

when the one or more travel options selected for a fourth travel requirement satisfy the first

travel requirement, with the motivation of making the requirements-applying process faster and

more efficient by eliminating redundant requirements that would produce a similar subset of the

travel options.

10.   Claims 34-38 and 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over

DeMarcken et al (6,377,932) as applied to claim 28 above and further in view of Karch et al. (6,

442, 537).

(A)   As per claim 34 DeMarcken teaches the travel requirements are rules

(DeMarcken; col. 3, lines 8-9) but fails to expressly teach defining a template of rules.

However, this feature is old and well known in the art, as evidenced by Karch's teachings with

regards to defining a template of rules (Karch; col. 1, line 66-col. 2, line 6). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by DeMarcken with Karch's teachings with

regards to this limitation, with the motivation of utilizing an efficient rules system that does not

result in significant degradation of performance through the use of extensive amounts of

processing power (Karch; col. 1, lines 38-42).

(B)   As per claim 35, DeMarcken teaches the travel requirements are rules and

wherein the plurality of travel requirements are based at least in part on the candidate set of

travel options (DeMarcken; col. 3, lines 8-9 and col. 50, lines 41-66) but fails to expressly teach

wherein the rules are based at least in part on the template. However, this feature is old and well

known in the art, as evidenced by Karch's teachings with regards to wherein the rules are based

at least in part on the template (Karch; col. 1, line 66-col. 2, line 6). It is respectfully submitted,

that it would have been obvious, to one having ordinary skill in the art at the time the invention

was made, to expand the system taught by DeMarcken with Karch's teachings with regards to

this limitation, with the motivation of utilizing an efficient rules system that does not result in

significant degradation of performance through the use of extensive amounts of processing

power (Karch; col. 1, lines 38-42).

(C)   As per claim 36, the combined system of DeMarcken and Karch collectively

teach that the parameter values for the template can be adjusted (Karch; col. 2, lines 12-25) but

collectively fail to expressly teach that that the adjustments to the parameter values of the

template are based on analyzing the candidate set of travel options. However, since the

combined system of DeMarcken and Karch collectively teach that the function of the rule

customization process is to receive inputs and customize the template rules based on the inputs

(Karch; col. 2, lines 26-35) and collectively teach that the travel options are inputs into the rules-

applying process (DeMarcken; col. 50, lines 22-39), it is respectfully submitted, that it would

have been obvious, to one having ordinary skill in the art at the time the invention was made, to

expand the system taught by DeMarcken and Karch teachings to analyze the candidate set of

travel options to determine parameter values for the template, with the motivation of

customizing the rules for the specific domain model (Karch; col. 2, lines 19-35).

(D)   As per claim 37, DeMarcken teaches wherein the travel requirements comprise,

travel on a particular carrier, non-stop travel, outbound travel departing in a predefined time

period, return travel departing in a predefined time period, non-stop travel on a particular airline,

or travel with an outbound departure on a first predefined data and a return arrival n a second

predefined date (DeMarcken; col. 50, lines 34-39 and figures 6 and 27) but fails to expressly

teach wherein the rules are based at least in part on the template. However, this feature is old

and well known in the art, as evidenced by Karch's teachings with regards to wherein the rules

are based at least in part on the template (Karch; col. 1, line 66-col. 2, line 6). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by DeMarcken with Karch's teachings with

regards to this limitation, with the motivation of utilizing an efficient rules system that does not

result in significant degradation of performance through the use of extensive amounts of

processing power (Karch; col. 1, lines 38-42).

(E)   As per claim 38, DeMarcken teaches wherein the predefined time period

comprises morning, afternoon, evening or a predefined date (DeMarcken; col. 50, lines 23-29; it

is respectfully submitted, that a given itinerary involves predefined time periods that comprise

morning, afternoon, evening or a predefined date (DeMarcken; col. 4, lines 43-51).

(F)   As per claim 46, DeMarcken teaches a method for generating a diverse set of

travel options, the method comprising:

determining a candidate set of travel options, the candidate set of travel options being

based on user input (DeMarcken; col. 49, lines 30-37);

defining a set of diversity requirements, with defining:

establishing a plurality of travel requirement rules, for each travel requirement

(DeMarcken; col. 49, lines 41-59);

defining a plurality of travel requirements, each of the travel requirements

corresponding to a different value of the respective travel rule to produce the set of diversity

requirements, and for each travel requirement in the set of diversity requirements (DeMarcken;

col. 50, lines 41-49 and col. 60, lines 47-55)),

selecting from the candidate set of travel options a travel option that satisfies that

travel requirements (DeMarcken; col. 50, lines 41-49;

combining the selected travel options for the travel requirements to generate the

diverse set of travel options (DeMarcken; col. 50, lines 21-33 and col. 60, lines 36-55; and

displaying the diverse set of travel options to a user (DeMarcken; col. 60, lines

36-55;

DeMarcken fails to expressly teach wherein the rules are based at least in part on the

template. However, this feature is old and well known in the art, as evidenced by Karch's

teachings with regards to wherein the rules are based at least in part on the template (Karch; col.

1, line 66-col. 2, line 6). It is respectfully submitted, that it would have been obvious, to one

having ordinary skill in the art at the time the invention was made, to expand the system taught

by DeMarcken with Karch's teachings with regards to this limitation, with the motivation of

utilizing an efficient rules system that does not result in significant degradation of performance

through the use of extensive amounts of processing power (Karch; col. 1, lines 38-42).

(G)   Claims 47 and 48 repeat the features of claims 35 and 36 and are therefore

rejected for the same reasons given above in the rejections of claims 36 and 37 and incorporated

herein.

(H)   As per claim 49, DeMarcken teaches wherein values for the travel requirement

template of particular carriers with corresponding travel requirements including a first particular

airline and a second, different particular airline (DeMarcken; fig. 24 and col. 60, lines 47-55).

(I)   Claims 50-53 differs from method claims 46-49 by reciting a "an article of

manufacture having computer-readable program portions embodies therein..." in the preamble.

As per this limitation, DeMarcken's system is implemented on a computer (DeMarcken; col. 4,

lines 14-16). As such, DeMarcken implicitly includes computer elements such as a programmed

computer readable medium. The remainder of claims 50-53 repeats the limitations of claims 46-

49, and is therefore rejected for the same reasons given above for claims 46-49.

Response to Arguments

11.   Applicant's arguments with respect to amended claims 1, 13, 21, 26, 28, 30, 32-33, 35,

43-44, and 46-53 have been considered but are moot in view of the new ground(s) of rejection.

(A)   At pages 13-16 of the 12/3/03 communication, Applicant argues each of the

applied references individually.

In response, the Examiner respectfully submits that one cannot show nonobviousness by

attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091,

231 USPQ 375 (Fed. Cir. 1986). In particular, the teachings that Applicant argues are novel

and/or missing from the DeMarcken reference are in fact clearly disclosed by the teachings of

DeMarcken, Webber, and/or Karch, as discussed in the preceding rejections, and incorporated

herein.

Further, the features newly added and entered in the amendment filed 12/3/03, they have

been shown to be fully disclosed by DeMarcken, Webber, and/or Karch, as discussed above in

detail within the preceding sections of the present Office Action.

In addition, it is respectfully submitted that the test for obviousness is not whether the

features of a secondary reference may be bodily incorporated into the structure of the primary

reference; nor is it that the claimed invention must be expressly suggested in any one or all of the

references. Rather, the test is what the combined teachings of the references would have

suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871

(CCPA 1981).

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The

examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular

communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-1113.

mk

April 5, 2004

Alexander Krakowski
ALEXANDER KRAKOWSKI
PRIMARY EXAMINER
AU 3626